

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 95-AO-13A

THE WELLFIELD PROTECTION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

AN ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wellfield Protection Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Wellfield Protection Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission Docket Number 95-AO-6), be amended as follows:

A. That Section 2.02, A, 1. be amended by inserting the underscored language as follows:

Uses Allowed Only by Special Exception

1. The following table lists the special use, commercial and industrial land uses that are permitted in the W-1 and W-5 districts only upon the grant of a Special Exception, which, when allowed by IC 36-7-4-923, shall be heard under an alternate procedure to be established by the Metropolitan Development Commission which will require such petitions to be referred to a Hearing Officer who is qualified to evaluate contamination risk management and ground water quality protection and who is specifically appointed for such purposes. However, those listed land uses in the W-1 district that, in their ordinary course of business, have less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids in the aggregate and those land uses in the W-5 district that, in their ordinary course of business, have less than the threshold amount of one hundred (100) gallons of liquids in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate on site are excluded from this Special Exception requirement.

B. That Section 2.02, C, 1. be amended by deleting the language noted with strikeouts and inserting the underscored language as follows:

1. A petition for Special Exception to permit any use designated in Sec. 2.02, A, shall be filed in accordance with the:
 - The Rules of Procedure for the Hearing Officer of the Metropolitan Board of Zoning Appeals for Indianapolis/ Marion County, or
 - The Rules of Procedure of the Board of Zoning Appeals of the applicable Excluded Cities Rules of Procedure if the petition pertains to real property located in an Excluded City.

GENERAL ORDINANCE RECORD 1995 PAGE _____